



# Staff Report PC16-040-DS

## Anson Building 8A- Development Standards Waiver

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### Docket PC16-040-DS Anson Building 8A Development Standards Waiver.

The petitioner is requesting approval of two (2) waivers from I-65 Anson PUD development standards to a previously approved development plan (PC14-018-DP). The subject property is zoned Anson PUD and is located at 4255 S 500 E, Whitestown, IN 46075. The petitioner and property owner is Browning/Duke LLC and the Engineer is Structurepoint.



### History

- The Anson PUD was adopted by Boone County on August 6, 2004. Since the PUD's adoption, this portion of the PUD was annexed into Whitestown on November 24, 2004 (Ord 2004-23 with an effective date of February 25, 2005). Per the Land Use Districting Plan for the PUD, this site is within the "Big Box Distribution" area of the "Commerce District". The proposed structure and use comply with this plan.
- The subject property has obtained Development Plan approval through the Whitestown Plan Commission on July 14, 2014 (Docket PC14-018-DP) with a 6-0 vote.
- Building 8A received an approved permit application (Permit #2016-204) and is currently under construction for completion.

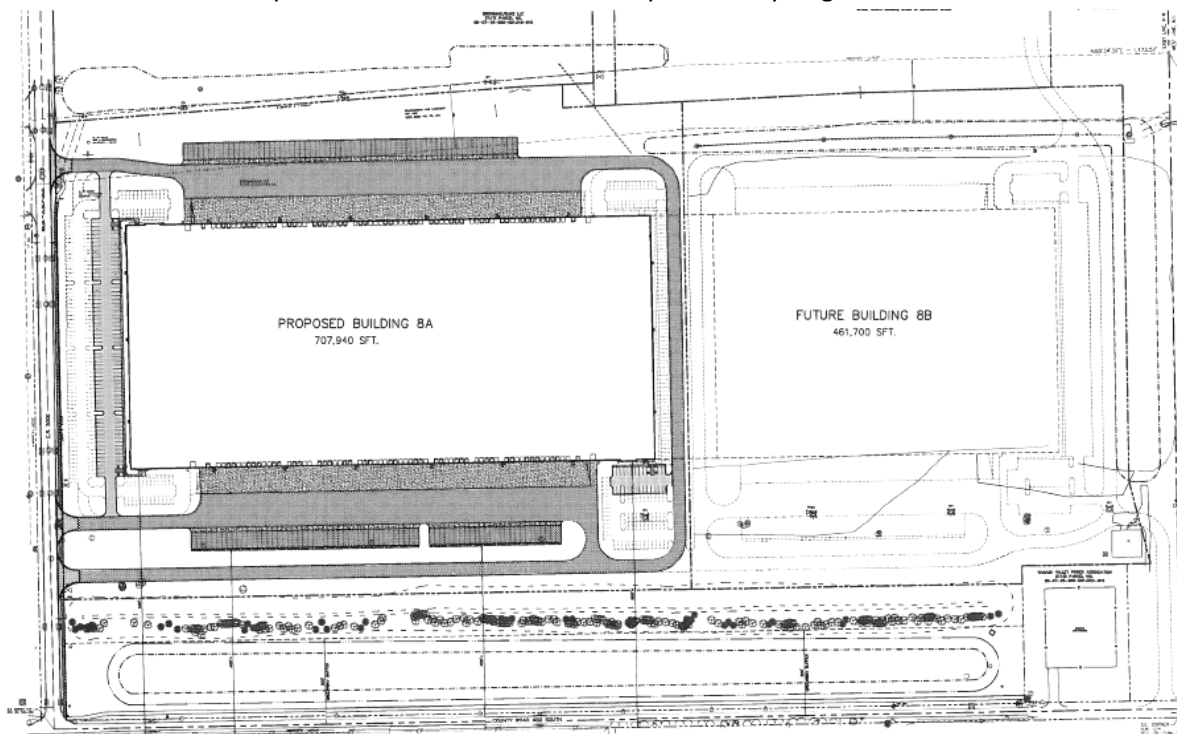
- Adjacent property owners (identified as part of the Protected Residential Area within the I-65 Anson PUD) have requested a determination of any potential violation of section 4.7.b Loading Berths; and Section 11.8.C.14 Trailer Staging. A letter was certified mailed to the property owners of the Protected Residential Area November 2, 2016 determining that the location of the loading berths and trailer areas are outside the six hundred (600) feet and therefore no violation of the approved plans exist.
- An appeal to staff's determination letter was received 11/30/2016 and the Whitestown Board of Zoning Appeals will hold their public hearing at their February 2, 2017 meeting.
- With adjacent property owner complaints, the petitioner is seeking a waiver from Development Standards despite the WPC approval of the Development Plan.

## Proposed Development

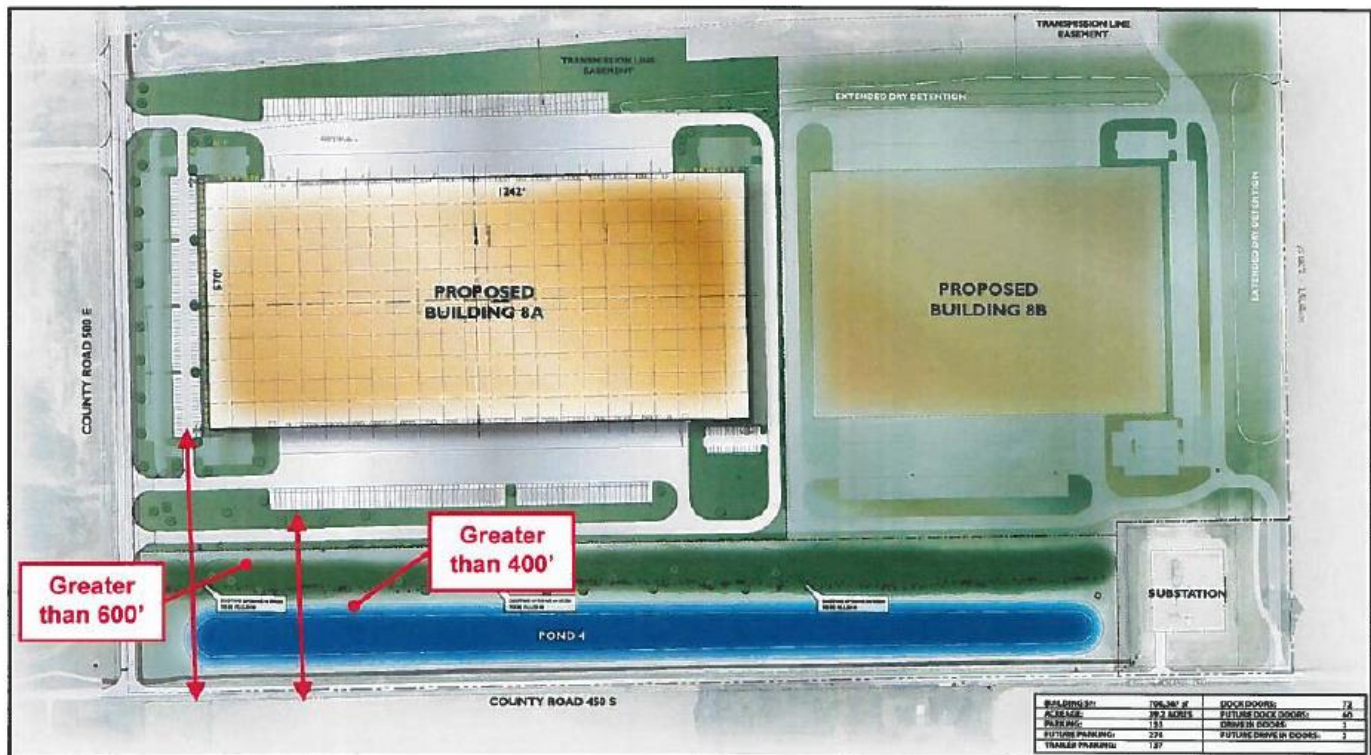
Per the PC14-018-DP Staff Report, the development is as follows:

Duke Realty is proposing Building 8A as a speculative development for property in AllPoints at Anson business park. The facility has been designed to work well in any number of single or multi-tenant scenarios. The project will consist of approximately 707,940 SF of building space on 39.2 acres of property. The building is anticipated to be used as a cross dock bulk industrial warehouse, but is designed to support many of the uses permitted within the PUD ordinance. The goal is to have a facility that would be appealing to the maximum number of potential tenants in the industrial marketplace. As users for this building are identified, tenant improvements inside the shell of the building will be needed. Construction plans for the interior spaces will be sent to the Town separately for review when available.

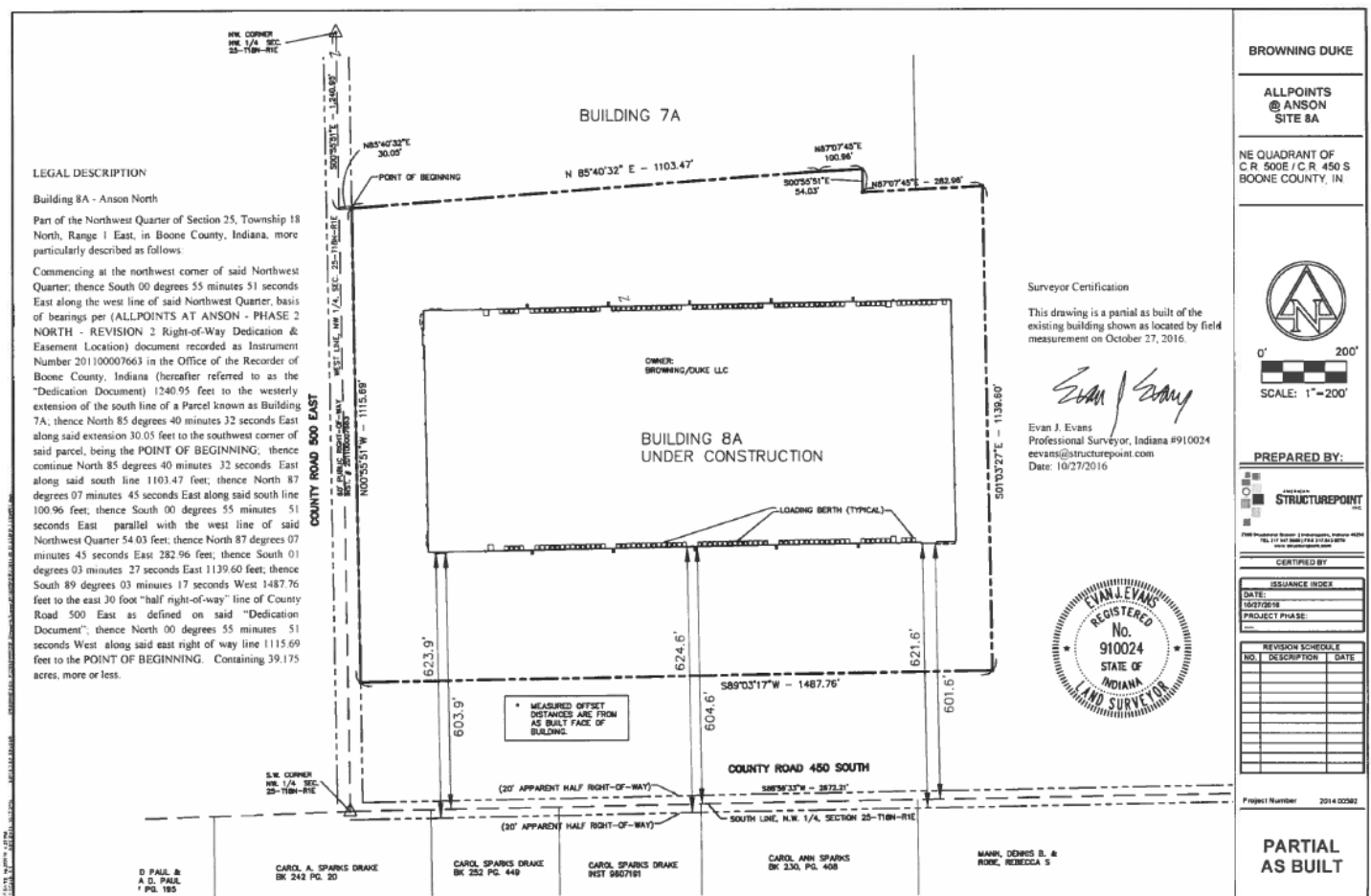
Access will be provided to the project from 500E. Multiple curb cuts are proposed to ensure efficient access to the property. As designed, multiple tenant operation can be supported with minimal effects to the public road network. Car parking, truck courts, and trailer staging are proposed on multiple sides of the building. Each of these features is expandable with future locations being shown on the project plans. Additionally, the building itself has been designed such that it could be expanded to meet the needs of a particularly large tenant.







Partial As-Built provided for Letter of Determination dated 11/2/2016:



## Comments

1. The original development plan TAC comments and Staff Report indicate staff had considered the location of the trailer staging and loading berths in relation to the Protected Residential Area and had determined the development plan (PC14-018-DP) abided by the I-65 Anson PUD and Whitestown Zoning Ordinance.
2. The petitioner is informed with the concurrent BZA Appeal hearing scheduled on February 2, 2017. The petitioner is requesting the two (2) development standard waivers in caution that the I-65 PUD Ordinance may be interpreted such that Building 8A (and specifically the loading berths and truck staging) are not in compliance with Sections 4.7.b and 11.8.C.14.

## Decision Guidelines

Per the Zoning Ordinance, the WPC shall pay reasonable regard to the following three decision criteria when taking action on all waiver requests:

### WAIVER #1

- *Ordinance Section:* Section 4.7.b, Loading Berths
  - *Development Standard in I-65 PUD Ordinance:*
    - All loading or unloading berths or bays within six hundred (600) feet of any adjacent Residential Area or I-65 shall be screened. Screening and buffering may be achieved through walls, fences and landscaping and shall be a minimum of six (6) feet in height. All loading and unloading berths or bays within six hundred (600) feet of any Protected Residential Area shall be located on the side of the building that is opposite the Protected Residential Area, however where such loading or unloading berths or bays are screened by an existing building.
  - *Development Standards to be Approved:*
    - The existing loading berths and bays on the south side of Building 8A, to the extent they are located within six hundred (600) feet of a Protected Residential Area, may be located in their current location on the side of the building that is facing the Protected Residential Area.
- 1) *The approval would not substantially affect the integrity of the development plan for the Property because...*
    - a. The location of the loading berths on the south side of Building 8A were approved with the development plan for Building 8A. The loading berths are adequately screened from the Protected Residential Area by an earthen berm that exceeds the height requirements of the Ordinance.
  - 2) *The Development Standard is appropriate for the site and its surrounding because...*
    - a. Building 8A is located more than 600 feet from the Protected Residential Area. Building 8A was approved with loading berths on the south side of Building 8A. The loading berths are adequately screened from the Protected Residential Area.
  - 3) *The Development Standard is compatible and consistent with the intent of the stated standards or development plan because...*
    - a. The location of the loading berths on the south side of Building 8A were approved with the development plan on Building 8A. Their location meets the intent of the development plan because Building 8A is more than 600 feet from a Protected Residential Area and the loading berths on the south side of Building 8A are adequately screened from the Protected Residential Area.

## WAIVER #2

- *Ordinance Section: Section 11.8.c.14 Trailer Staging*
  - *Development Standard in I-65 PUD Ordinance:*
    - Trailer staging shall be designed and shown on the development plan. Appropriate areas adjacent to or in close proximity to the loading areas shall be used and trailer staging areas shall be screened from public street rights-of-way. Trailer staging shall (i) be prohibited within two hundred (200) feet of a Protected Residential Area and (ii) be located behind the façade of the building that is opposite a Protected Residential Area within six hundred (600) feet of any Protected Residential Area; except, however where such trailer staging areas are screened by an existing building.
  - *Development Standards to be Approved:*
    - The trailer staging for Building A shall be permitted on the south side of Building 8A; provided, however, that trailer staging shall be prohibited within two hundred (200) feet of any Protected Residential Area.
- 1) *The approval would not substantially affect the integrity of the development plan for the Property because...*
    - a. The trailer staging area south of Building 8A, as approved by the WPC, is located more than 200 feet from the Protected Residential Area.
  - 2) *The Development Standard is appropriate for the site and its surrounding because...*
    - a. The trailer staging area on the south of Building 8A, as approved by the WPC, is located more than 200 feet from the Protected Residential Area. The trailer staging area is adequately screened from the Protected Residential Area by an earthen berm that exceeds the height requirements of the Ordinance.
  - 3) *The Development Standard is compatible and consistent with the intent of the stated standards or development plan because...*
    - a. The intent of the development standard is (i) the prohibit trailer staging within 200 feet of the Protected Residential Area, and (ii) where a building is located within 600 feet of the Protected Residential Area, to require that trailer staging be located on the side of the building that is opposite the Protected Residential Area. The existing location of the trailer staging on the south side of Building 8A is compatible and consistent with this intent because it is located more than 200 feet from a Protected Residential Area, and Building 8A is located more than 600 feet from a Protected Residential Area.

## Staff Recommendation

Staff Recommends that the Plan Commission take consideration of the Staff Letter of Determination and the BZA Appeal proctored by residents of the Protected Residential Area. Staff recommends that the Plan Commission approve the two development standard waivers as presented:

- 1) Section 4.7.b Loading Berths: The existing loading berths and bays on the south side of Building 8A, to the extent they are located within six hundred (600) feet of a Protected Residential Area, may be located in their current location on the side of the building that is facing the Protected Residential Area.
- 2) Section 11.8.c.14 Trailer Staging: The trailer staging for Building A shall be permitted on the south side of Building 8A; provided, however, that trailer staging shall be prohibited within two hundred (200) feet of any Protected Residential Area.